

2012 FEB -2 PM 3: 20



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

CELA

**MEMORANDUM**

**TO:** The Commission

**FROM:** Anthony Hermann  
General Counsel

**BY:** Stephen A. Gura *SG*  
Deputy Associate General Counsel for Enforcement

Mark Allen  
Assistant General Counsel *MA*

Jack Gould *JG*  
Attorney

**SUBJECT:** MUR 5951 (Californians for Change) -- Probable Cause Conciliation

Attached is a conciliation agreement signed by Emmett Cash III on behalf of himself and Californians for Change f/k/a Californians for Obama and its treasurer ("the Committee"). The Commission found probable cause to believe that respondents violated 2 U.S.C. §§ 441h(b), 432(e)(4), and 441d(a) by fraudulently misrepresenting that the Committee was acting on behalf of Barack Obama in its fundraising, improperly using Mr. Obama's name in the Committee's name, and failing to include required disclaimer on the Committee's public communications, respectively. The attached agreement settles these violations. See Attachment 1. We recommend the Commission accept it.

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In conclusion, we recommend that the Commission accept the attached conciliation agreement. The agreement as modified is consistent with the Commission's probable cause findings and resolves a type of violation that Commissioners have previously identified as a top Commission enforcement priority. See MUR 5089 (Tuchman)(four-Commissioner SOR regarding 441h violation).

**RECOMMENDATIONS:**

1. Accept the attached conciliation agreement with Californians for Change f/k/a Californians for Obama and its treasurer, and Emmett Cash III.
2. Close the file.
3. Approve the appropriate letters.